

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONALD ROGERS,

Petitioner,

v.

SUPERINTENDENT ROBERT GILMORE,  
et al.,

Respondents.

CIVIL ACTION  
NO. 19-5663

**ORDER**

**AND NOW**, this 10th day of August 2021, upon consideration of Petitioner's pro se Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1), Respondents' Response in Opposition (Doc. No. 8), the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells (Doc. No. 16), Respondents' Objections to the Report and Recommendation (Doc. No. 19), and in accordance with the Opinion of the Court issued this day, it is **ORDERED** as follows:

1. Respondents' Objection (Doc. No. 19) to the Report and Recommendation on Claim One in the Petition is **SUSTAINED**. The Report and Recommendation (Doc. No. 16) is **NOT** adopted for Claim One.
2. Respondents' Objection (Doc. No. 19) to the Report and Recommendation on Claim Two in the Petition is **SUSTAINED**. The Report and Recommendation (Doc. No. 16) is **NOT** adopted for Petitioner's procedural exhaustion on Claim Two. The Report and Recommendation (Doc. No. 16) is **APPROVED AND ADOPTED** on the merits of Claim Two.

3. Petitioner's pro se Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1) is **DENIED**.
4. A Certificate of Appealability **SHALL** issue because reasonable jurists could find "the district court's assessment of the constitutional claims debatable or wrong" on Claims One and Two. Slack v. McDaniel, 529 U.S. 473, 484 (2000); see also 28 U.S.C. § 2253(c)(2).
5. The Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ Joel H. Slomsky  
JOEL H. SLOMSKY, J.